

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TARYN BALDWIN,

Plaintiff,

-v-

TMPL LEXINGTON LLC D/B/A TMPA LEXINGTON ET
AL.,

Defendants.

23 Civ. 9899 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On January 12, 2024, defendant TMPL Lexington (“TMPL”) filed a motion (1) to compel arbitration; and (2) to dismiss the complaint under Rule 12 of the Federal Rules of Civil Procedure.

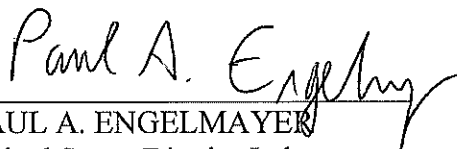
As to the motion to compel arbitration, the Court orders plaintiff Baldwin to file a response to TMPL’s motion no later than February 2, 2024. TMPL’s reply, if any, is due by February 16, 2024.

As to the motion to dismiss, under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by February 2, 2024. No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by February 23, 2024, defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3)

submit a letter to the Court, copying plaintiff, stating that they rely on the previously filed motion to dismiss.¹

It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by February 2, 2024. Defendants' reply, if any, shall be served by February 16, 2024.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: January 16, 2024
New York, New York

¹ If defendants file a new motion to dismiss or rely on their previous motion, plaintiff's opposition will be due 14 days thereafter, and defendants' reply, if any, will be due seven days after that.